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| MOORE, HANSEN & SUMNER, PLLP 225 SOUTH SIXTH ST MINNEAPOLIS, MN 55402 | | | | |
| | | | EXAMINER JEAN, FRANTZ B | |
| | | | ART UNIT 2151 | PAPER NUMBER |

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/734,910

Applicant(s)

KASRIEL ET AL.

Examiner

Frantz B. Jean

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2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

This is a first office action in response to application filed on 12/11/2000. Claims 1-19 are presented for examination.

This office action substitutes the previous office action mailed to applicant on 10/04/2004 because the examiner has determined that the ground rejection of the previous office action was not clearly stated.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 2/12/2002 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

The drawings are objected to under 37 CFR 1.83(a) because they fail to show descriptive details and/numbering (see fig 2) as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief

description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-7, 15-16 and 17-19 recite normalize a request and claims 1-7 and 15-16 recite de-normalize a prediction. Those terms are broad and indefinite. Applicant is requested to provide steps that lead to the normalization and de-normalization that will allow the examiner to interpret then claims clearly.

Claims 8-14 recite means plus function that presumes 112, 6th paragraph applies.

However, examiner is not quite clear about the structure and function regarding means for normalizing a request and de-normalizing a prediction in the claim and specification. In other words, although a function is recited which is unclear, a sufficient structure for performing that function is not sufficient. Applicant is requested to clarify the steps regarding the above means for examination's purpose.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Becker US patent Number 5878223.

As per claims 1, 4, 15, Becker teaches a system and method for predictive caching of information pages which includes a method that contains receiving a request for a web page (requesting computer 12, col. 10 line 30; see also col. 10 lines 65 et seq), the request including at least one variable;

Normalizing the request (update value in the table, col 10 lines 26-32; col. 9 lines 18-28);

determining a prediction of a future web page in response to a result of the normalizing (see col. 10 lines 14-64); de-normalizing the prediction (see col. 9 line 1 to col. 11 line 27 where prediction is normalized and de-normalized).

As per claim 2, Becker teaches identifying the variable (col. 9 lines 1-10; col. 10 lines 26-46).

As per claim 3, Becker teaches a replacement for the variable (variable may be replaced or updated/changed due to various categories and criteria, parameters, statistics etc... see col. 9 line 18 to col. 10 line 64).

As per claims 5, Becker teaches receiving a prediction of the future web page in response to the data structure and the result of the normalizing/averaging (see col. 9 line 11 to col. 10 line 64).

As per claim 6, Becker teaches serving a least a portion of the future web page to a client associated with the request (see col. 10 line 65 to col. 11 line 10).

As per claim 7, Becker teaches an embedded object associated with the future web page (col. 10 line 65 to col. 11 line 10).

As per claims 8 and 11, Becker teaches a system including: means for receiving a request for a web page, said request including at least one variable (12, fig 1); means for normalizing the request (fig 1, 130); means for determining a prediction of a future web page in response to a result of the normalizing (130); and means for de-normalizing the prediction (col. 9 line 1 to col. 11 line 27).

As per claim 9, Becker teaches means for identifying the variable (col. 9 lines 1-10; col. 10 lines 26-46).

As per claim 10, Becker teaches means for generating a form of the request having a replacement for the variable (variable may be replaced or updated/changed due to various categories and criteria, parameters, statistics etc... see col. 9 line 18 to col. 10 line 64).

As per claims 12, Becker teaches means for receiving a prediction of the future web page in response to the data structure and the result of the normalizing/averaging (see col. 9 line 11 to col. 10 line 64).

As per claim 13, Becker teaches means for serving a least a portion of the future web page to a client associated with the request (see col. 10 line 65 to col. 11 line 10).

As per claim 14, Becker teaches an embedded object associated with the future web page (col. 10 line 65 to col. 11 line 10).

As per claim 16, Becker teaches inherently and explicitly a memory that includes an electromagnetic storage medium, a mass storage medium, an optical storage medium, a random access memory, a read only memory, and a removal storage medium (see fig 1A).

As per claim 17, fig 5A and 5B contain data that indicate a set of web pages wherein at least one indicator including a normalized request.

As per claim 18, fig 5A and 5B provide statistic or probability associated with at least one edge ... predictive value regarding future web pages to be requested (see also col 9 line 18 to col. 10 line 64).

As per claim 19, Becker teaches inherently and explicitly a memory that includes an electromagnetic storage medium, a mass storage medium, an optical storage medium, a random access memory, a read only memory, and a removal storage medium (see fig 1A).

Lambert 6,629,138 and Paul 6,314,465 were not used, but contained limitations that are strongly related to the claims of this application. Applicant is strongly

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encouraged to consider and refer to those prior art references when responding to this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz B. Jean whose telephone number is 703 305 3970. The examiner can normally be reached on 8:30-6:00 M-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 703 308-6687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz Jean


FRANTZ B. JEAN
PRIMARY EXAMINER